

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------------|---|--------------------|
| LEE EDWARD BOYD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | NO. CIV-12-1385-HE |
| |) | |
| DISTRICT COURT NOBLE COUNTY, |) | |
| |) | |
| Respondent. |) | |

ORDER


Petitioner Lee Edward Boyd, a prisoner appearing *pro se*, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He sought leave to proceed *in forma pauperis* (“*IFP*”) [Doc. #5]. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who recommended that petitioner’s request for *IFP* status be denied [Doc #7]. Thereafter, petitioner paid the filing fees, causing Judge Bacharach to vacate his prior recommendation and to recommend dismissal of the request on the grounds of mootness [Doc. #9].

Petitioner failed to object to the Magistrate Judge’s Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Bacharach’s Report and Recommendation [Doc. #9] and **STRIKES** petitioner’s motion for leave to proceed *in forma pauperis* [Doc. #5] as **MOOT**.

IT IS SO ORDERED.

Dated this 12th day of February, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE